

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WARREN C. GREEN,

No. C 10-4485 WHA (PR)

Plaintiff,

**ORDER OF DISMISSAL**

v.

A. HEDGEPEETH, Warden; S. FISH E.  
BRIDGWELL; J. RHOADS,

Defendants.

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This is a civil rights case filed by a pro se prisoner. Plaintiff claims that he is a disabled inmate, and that his claims are for the violation of a court order in a pending class action, *Armstrong v. Wilson*, No. C 94-2307 CW (N.D. Cal. filed June 29, 1994). He seeks injunctive relief. Individual suits for injunctive and equitable relief from alleged unconstitutional prison conditions cannot be brought where there is a pending class action suit involving the same subject matter. *McNeil v. Guthrie*, 945 F.2d 1163, 1165 (10th Cir. 1991); *Gillespie v. Crawford*, 858 F.2d 1101, 1103 (5th Cir. 1988) (en banc). "Individual members of the class and other prisoners may assert any equitable or declaratory claims they have, but they must do so by

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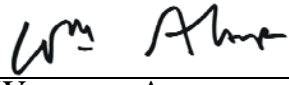
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1 urging further actions through the class representative and attorney, including contempt  
2 proceedings, or by intervention in the class action." *Ibid.*

3 For the reasons set out above, this case is **DISMISSED**.

4 **IT IS SO ORDERED.**

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6 Dated: October 28, 2010.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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